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April 18, 2005

The Honorable Joseph J. Farnan, Jr.
844 North King Street
Lock Box 27
Wilmington, DE 19801

***Re: Dennis Fongellez v. First Correctional Medical;
C.A. No. 04-849-JJF***

Dear Judge Farnan:

Counsel for Defendant filed a Motion to Dismiss accompanied by a brief on February 22, 2005. Pursuant to D. Del. LR 7.1.2, the answering brief to a motion shall be served and filed no later than ten (10) days after the service and filing of the opening brief. It is now almost two (2) months later and plaintiff has yet to respond in any form.

As plaintiff has failed to comply with the Court's scheduling timeline, Defendant requests that this Court consider Defendants' Motion to Dismiss unopposed or, in the alternative, that this Court decide the matter based upon the motions and brief before it. Please do not hesitate to contact me with any questions or concerns.

Respectfully yours,

/s/ Dana M. Spring

Dana M. Spring

cc: Dennis Fongellez